

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JUNE 20, 2001**

C-1 CALL TO ORDER / ROLL CALL

The City Council Closed Session meeting of June 20, 2001 was called to order by Mayor Nakanishi at 5:36 p.m.

Present: Council Members – Hitchcock, Howard, Land, Pennino and Mayor Nakanishi

Absent: Council Members – None

Also Present: City Manager Flynn, City Attorney Hays, and City Clerk Blackston

C-2 ANNOUNCEMENT OF CLOSED SESSION

- a) Prospective acquisition of real property located at 541 E. Locust Street, Lodi, California (APN 043-202-14); the negotiating parties are City of Lodi and Robert and Helen Perlegos; Government Code §54956.8
- b) Prospective listing for sale of 17.85-acre City industrial property on Guild Avenue; the negotiating parties are the City of Lodi and unknown future purchasers; price and terms as directed by City Council; Government Code §54956.8
- c) Consider lease of City-owned commercial property at 50 N. Sacramento Street; negotiating parties are City of Lodi and Atlas Properties, Inc., of Stockton; Government Code §54956.8

C-3 ADJOURN TO CLOSED SESSION

At 5:37 p.m., Mayor Nakanishi adjourned the meeting to a Closed Session to discuss the above matters.

C-4 RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 7:00 p.m. Mayor Nakanishi reconvened the City Council meeting, and City Attorney Hays disclosed the following actions.

In regard to C-2 (a), Council directed staff to obtain an appraisal for property located at 541 E. Locust Street, Lodi, California (APN 043-202-14), and to make a fair market value offer to the property owner(s) for acquisition.

In regard to C-2 (b), Council directed staff to place the 17.85-acre City industrial property on Guild Avenue on the market for sale.

In regard to C-2 (c), Council directed staff to develop a Request for Proposal (RFP) for a master lease for City-owned commercial property at 50 N. Sacramento Street for 11,500 sq. ft., with the option of an additional 2,000 sq. ft.; and that Council review the contract and provide input for tenant selection, performance milestones, and parameters.

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of June 20, 2001 was called to order by Mayor Nakanishi at 7:00 p.m.

Present: Council Members – Hitchcock, Howard, Land, Pennino and Mayor Nakanishi

Absent: Council Members – None

Also Present: City Manager Flynn, City Attorney Hays, and City Clerk Blackston

B. INVOCATION

The invocation was given by Pastor Steve Jarret, New Hope Community Church.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Nakanishi.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

- D-1 (a) Fire Chief Michael Pretz presented the Firefighter of the Year plaque to Fire Engineer Rick Gerlack.
- D-2 (a) Mayor Nakanishi presented a proclamation to Parks and Recreation Director Roger Baltz proclaiming the month of July as "Parks and Recreation Month" in the City of Lodi. Mr. Baltz reported that there were 164,674 registered participants in the last 12 months, participating nearly 600,000 times at various events and using different facilities.
- D-3 (a) Megan Hawley, member of the Greater Lodi Area Youth Commission, acknowledged the Teen of the Month, Kianna Williamson from Lodi Middle School.
- D-3 (b) Mr. Art Raab stated that the Lodi Breakthrough Project came into existence in 1998 as a citizen response to the burning of the cross on the lawn at Tokay High School. They wanted to make it known that acts of intolerance were unacceptable in Lodi. The Project's purpose is to create a community that celebrates diversity and works to eliminate all forms of social oppression, racism, and bigotry. They provide aid and support to victims of hate crimes through a response task force and provide educational programs for the community that promote acceptance and tolerance. Last year Lodi High students organized a Student Breakthrough Club and sponsored an essay contest. Mayor Nakanishi presented Certificates of Recognition to the following participants and winners of the essay contest: Sean McNary, Januel Mercado, Ashley Allen, and Jason Aguinaldo, all from Bear Creek High School.
- D-3 (c) Dennis Lewis, Police Officer and President of Lodi Adopt-A-Child, introduced board members who were present. He reported that last Christmas, Lodi Adopt-A-Child gave toys and clothing to 1,270 children and gave away 340 bicycles, tricycles, and scooters. The following fundraising events have been scheduled:
- July 22, Hot Rods and Harleys;
 - August 20, Swing for a Child Golf Tournament at Micke Grove Golf Links;
 - September 8, Spree 2001 at Wal-Mart;
 - March 2002, Trout Fishing Derby at Lake Amador.
- Officer Lewis announced that the Lodi Adopt-A-Child board is working on beginning a scouting program on the east side as a gang alternative unit. They hope to start with 168 youth. The next Christmas program is scheduled for December 15 at the Boys and Girls Club. Thirty-five volunteers are needed for Hot Rods and Harleys, 15 volunteers for the golf tournament, 250 for Spree 2001, and 17 for the scouting program.
- D-3 (d) Electric Utility Director Vallow and Manager of Customer Services Rob Lechner presented a Public Benefits Program Grant check in the amount of \$90,731 to Steve Berger, Vice President of Materials Management at Mondavi Distribution Center. Senior Vice President of Mondavi Winery Steven Soderberg presented Council with a large bottle of wine signed by Robert Mondavi management and Michael Mondavi as a token of their appreciation.

COMMENTS ON CONSENT CALENDAR ITEMS

- Council Member Howard asked that the following correction/additions be made to the minutes:

May 16, 2001, page 6, corrected to: "met with a *representative* of the applicant".

June 6, 2001, page 15, Council Comments, added/amended the following section:

"Council Member Howard thanked the residents for their hard work and stated that it is due to their efforts that the contract with Spohn Ranch includes the level of supervision that has been discussed during this meeting and addresses such things as no public address system. Ms. Howard stated that she realizes it is important for the City to be good neighbors and spoke from personal experience. A sound wall would minimize any

noise from the skate park and have the added benefit of reducing the noise from traffic on Ham Lane. She indicated surprise that more property owners did not address this issue and noted that a sound wall is something that she would like if she lived in the neighborhood."

- In reply to Council Member Land, City Manager Flynn stated that copies of the Urban Water Management Plan are available in the Public Works Department and the Library.

Council Member Land recommended that residents and developers read the Plan and attend the upcoming public hearing, as the issue affects the entire community.

E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Mayor Pro Tempore Pennino, Nakanishi second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

- E-1 Claims were approved in the amount of \$9,828,244.88.
- E-2 The minutes of June 5, 2001 (Shirtsleeve Session) and May 30, 2001 (Special Town Hall Meeting) were approved as written, **and** the minutes of May 16, 2001 (Regular Meeting) and June 6, 2001 (Regular Meeting) were approved as amended.
- E-3 Approved the plans and specifications for Mills Avenue, Vine Street, and Ham Lane Asphalt Concrete Resurfacing, authorized advertisement for bids, and adopted Resolution No. 2001-150 approving the installation of no parking on the north side of Vine Street, from Lower Sacramento Road to 350 feet east of Lower Sacramento Road, to accommodate the installation of a Class II Bike Lane.
- E-4 Approved the specifications for the White Slough Water Pollution Control Facility adjustable frequency drive replacements and authorized advertisement for bids.
- E-5 Approved the specifications for Type II Polymer Modified Slurry Seal for Various City Streets, 2001 and authorized advertisement for bids.
- E-6 Adopted Resolution No. 2001-151 awarding the bid for the purchase of one thermal imaging camera to the low bidder, L. N. Curtis & Sons, of Oakland, in the amount of \$20,532.50.
- E-7 Adopted Resolution No. 2001-152 accepting the improvements at 770 N. Guild Avenue.
- E-8 Authorized the City Manager to execute a contract with the United Cerebral Palsy Association for landscape maintenance at Hutchins Street Square beginning in July 2001.
- E-9 "Adopt resolution authorizing the City Manager to execute a professional services agreement with Watry Design Group, of Redwood City, for Concept Design Services for the Civic Center Parking Structure (\$75,500) and execute Contract Change Orders as needed; and appropriate funds for the Conceptual Design Services" was **removed from the Consent Calendar and discussed and acted upon following approval of the Regular Calendar**.
- E-10 "Adopt resolution authorizing the City Manager to enter into an agreement with the City of Stockton Regional Fire and Emergency Medical Dispatch Center for emergency dispatching services (\$60,000 estimated annual cost)" was **removed from the Consent Calendar and discussed and acted upon following approval of the Regular Calendar**.
- E-11 Adopted Resolution No. 2001-153 authorizing the City Manager to sign a contract with the State of California to purchase six compressed natural gas (CNG) buses for Dial-A-Ride and issue a Purchase Order to El Dorado Bus Sales in the amount of \$450,000 for six Type III Paratransit Buses.

Continued June 20, 2001

- E-12 Approved the Reimbursement Agreement for the Public Improvements for Kettleman Lane and Beckman Road, Agreement #RA-01-01, and directed the City Manager and City Clerk to execute the agreement on behalf of the City.
- E-13 "Adopt resolution approving the agreement with GFLIP III, L.P., a California Limited Partnership, for the purchase of City-owned property west of and adjacent to 1255 S. Beckman Road, and direct the City Manager and City Clerk to execute the agreement on behalf of the City; and appropriate funds for reimbursement to be credited against the purchase price of the property" was **removed from the Consent Calendar and discussed and acted upon following approval of the Regular Calendar.**
- E-14 "Adopt resolution authorizing the Public Works Director to accept and sign the Master Agreement entitled, "Administering Agency – State Agreement for State Funded Projects" and all Program Supplements to Administering Agency – State Agreement No. 000154, effective January 2, 2001" was **pulled from the agenda pursuant to staff's request.**
- E-15 "Adopt resolution approving the Public Benefits Program – Rebate Guidelines" was **removed from the Consent Calendar and discussed and acted upon following approval of the Regular Calendar.**
- E-16 "Adopt resolution approving the Electric Utility Pilot Project – 2001 Small Business Load Curtailment" was **removed from the Consent Calendar and discussed and acted upon following approval of the Regular Calendar.**
- E-17 Adopted Resolution No. 2001-154 authorizing the City Manager to provide a Public Benefits Program Grant in the amount of \$13,604.86 to Wine & Roses Country Inn as part of its demand-side management (energy efficiency improvements) project.
- E-18 Adopted Resolution No. 2001-155 authorizing the City Manager to provide a Public Benefits Program Grant in the amount of \$10,556.28 for a demand-side management project at the Lodi Medical Plaza, 999 S. Fairmont Avenue.
- E-19 Adopted Resolution No. 2001-156 authorizing the City Manager to provide a Public Benefits Program Grant in the amount of \$50,000 to fund the Lodi Small Business Energy Services Partnership.
- E-20 Approved the donation of a retired police patrol car to the San Joaquin County Sheriff's Jail Industries Program.
- E-21 "Adopt resolution supporting amendment to the League of California Cities Bylaws and to increase dues to implement the League Grassroots Network" was **removed from the Consent Calendar and discussed and acted upon following approval of the Regular Calendar.**
- E-22 Authorized funds in the approximate amount of \$9,300 from the Protocol Account for the City Council to host a recognition dinner honoring citizen volunteer service and retirements on various boards and commissions.
- E-23 Set Public Hearing for July 18, 2001, to consider adopting the update of Lodi's Urban Water Management Plan.

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Ken Bingaman spoke in support of the Indoor Sports Complex, Aquatics Center, and DeBenedetti Park and expressed his hope that these facilities will be built.

- John Griffin, head coach of the Lodi City Swim Club, announced that a swim camp will be held at the Tokay High School pool area this weekend for youth ages 11 to 12 years. Fifty-five youth from the Sacramento and San Joaquin Valley area plan to participate. Josh Davis, Olympic gold medalist, will assist at the camp and give presentations at Hutchins Street Square and Calvary Bible Church. Cheryl Anne Bingaman and Molly Jones will be competing at the Santa Clara International Swim Meet the following weekend. Lodi City Swim Club is a year-round, United States swimming program, co-sponsored through the Parks and Recreation Department and has 160 youth that participate throughout the year.
- Barbara Kringle voiced support for the Aquatics Center.

G. PUBLIC HEARINGS – None

H. COMMUNICATIONS

H-1 Claims filed against the City of Lodi – None

H-2 Reports: Boards/Commissions/Task Forces/Committees – None

H-3 The following postings/appointments were made:

- a) The City Council, on motion of Mayor Pro Tempore Pennino, Hitchcock second, unanimously made the following appointments:

Library Board of Trustees

Thomas R. Goad Sr.
Millard Fore

Term to expire June 30, 2004
Term to expire June 30, 2004

Planning Commission

Timothy Mattheis
David Phillips

Term to expire June 30, 2005
Term to expire June 30, 2005

H-4 Miscellaneous – None

RECESS

At 7:40 p.m., Mayor Nakanishi called for a recess, and the City Council meeting reconvened at 7:50 p.m.

I. REGULAR CALENDAR

- I-1 "Adopt resolution authorizing the City Manager to execute an agreement with Lodi Veteran's Monument Foundation for the All Military Veteran's Plaza Project to be located at the Civic Center Plaza and appropriate \$450,000 for the project"

Cynthia Haynes, Community Promotions Coordinator and Chairman for the All Veterans Foundation, reported that the Foundation has spent the last 18 months forming a non-profit 501c3 foundation, creating an aggressive marketing and fund development plan, and working on a design concept for the Veteran's Plaza. They have conducted six public meetings and met with the Lodi Arts Commission on several occasions. These meetings resulted in a revised design for the Plaza. The marketing plan includes a speakers bureau, information booths to be staffed at various community events, charitable giving through estate planning programs, hiring a marketing consultant to assist in obtaining corporate sponsorships, updating the previous brochure, creating a sponsorship packet, and promoting an in-kind contributions program for contractors, suppliers, goods and services. Tony Segale created a logo for the project. To-date the Foundation has raised more than \$21,800 and \$12,537 in in-kind contributions. Benefits of the plaza include economic development interest, tourism, education, cultural art, and a forum for community events, celebrations, and ceremonies.

Architect Tim Mattheis described the Plaza with the aid of overheads. There are four main elements: 1) an obelisk representing honor and courage, 2) a sphere representing unity and global service, 3) a flame representing valor and sacrifice, and 4) water representing healing. A 21' tall obelisk of solid textured stainless steel on a granite base will be located near Pine Street, and further north will be a water wall and reflecting pool. In the middle of the 25' diameter, 6" deep reflecting pool with cobalt blue non-slip tiles will be a 7' diameter solid granite sphere. An eternal flame will be resting in a space at the center of the water wall fountain, which will be constructed of 14' solid black polished granite veneer on the front with a textured surface on the back. The Plaza will have lighted plinths with engraved poetry.

In response to Council Member Howard's concern, Mr. Mattheis stated that glare from the obelisk should not be a problem due to the textured finish.

Council Member Hitchcock suggested incorporating the meaning of the symbolic images into the Plaza by having a descriptive plaque or providing brochures.

Council Member Land agreed with Ms. Hitchcock's suggestion and stated that he visited the Veteran's Resource Center in Sacramento and the Vietnam Veterans Shelter, both of which expressed interest in helping out with the Plaza project.

Mayor Nakanishi voiced support for the Memorial Plaza project, and remarked that veterans are dying at a rate of 1,000 per day.

MOTION/ VOTE:

The City Council, on motion of Mayor Nakanishi, Land second, unanimously adopted Resolution No. 2001-157 authorizing the City Manager to execute an agreement with the Lodi Veteran's Monument Foundation for the All Military Veteran's Plaza project to be located at the Civic Center Plaza and appropriated \$450,000 for the project.

- I-2 "Review Downtown Parking Report and adopt resolution amending Traffic Resolution approving angle parking at various locations and handicap parking spaces on Locust Street"

Paula Fernandez, Associate Traffic Engineer, reported that the Downtown Lodi Business Partnership (DLBP) and City staff have been working together to develop several parking solutions in anticipation of the new theater. Notifications were sent to 166 property owners and tenants asking for their comments, to which 21 responded. The recommendation is to have angled parking on the streets of Lodi, Elm, Pine (from Lee to Church), and Oak (from Pleasant to Church), which would increase parking by 70 spaces. The Library Board, and Director, have requested two handicapped spaces in front of the Library.

Lew VanBuskirk, Executive Director of the DLBP, added that the Parking Committee has had over 20 meetings during the past 1.5 years and has received a great deal of community and merchant input. He commented that a lot of the parking measures are temporary, pending the completion of the parking structure.

In response to Council questions, Ms. Fernandez stated that two-hour parking outside the downtown core area will be changed to three-hours. There will be six handicapped parking spaces on Elm Street between Church and Sacramento Streets.

PUBLIC COMMENTS:

- Dr. Floyd Zastrow asked the Council to consider keeping parallel parking on Pine Street (from Lee Street to Hutchins Street) due to the heavy traffic and narrowness of the street. During the past six months there were two accidents at the intersection of Pine and Lee Streets.

In response to Mayor Nakanishi, Ms. Fernandez reported that with the use of parallel parking, 26 spaces will be gained on Pine Street (from Lee to Church Streets).

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Pennino, Howard second, unanimously adopted Resolution No. 2001-158 amending Traffic Resolution 97-148, Section 4, by approving angle parking on portions of Locust Street, Elm Street, Pine Street, and Oak Street, and Section 3, by approving two handicap parking spaces on Locust Street adjacent to the Library and further directed staff to review safety issues related to visibility in the area, and specifically at the intersection of Pine and Lee Streets.

- I-3 "Authorize the City Manager to negotiate a renewal of the franchise service agreement with Central Valley Waste Services, Inc., and authorize the City Manager to execute a professional services agreement for consultant services (not to exceed \$20,000)"

Deputy City Manager Keeter reported that the contract with Central Valley Waste Services (CVWS) ends on June 30, 2003. Staff recommends hiring a consultant who is knowledgeable in waste management services to represent the City, review the current contract, and provide assistance in negotiating the next contract.

Council Member Howard acknowledged that she met with representatives from CVWS who had shared information with her about a survey they had done. She opted not to view the portion of the survey regarding Council Members.

Council Member Hitchcock stated that she also met with representatives of the company. The survey results, which they shared with her, indicated that CVWS's customers are satisfied with their services. The survey also included responses from the community about what they thought were important projects. Ms. Hitchcock did not support spending \$20,000 to hire a consultant. She agreed with negotiating renewal of the contract and felt it should be done in-house.

City Manager Flynn stated that obtaining the services of a consultant was a strong recommendation by the Public Works Director. The billing formula used by CVWS is extremely complicated and in-house expertise in this area does not exist.

Council Member Land questioned the expense and necessity for a consultant when the contract seems to be working, and is providing the City with a quality service at a reasonable price.

Mayor Nakanishi concurred with Mr. Land's statement.

Mayor Pro Tempore Pennino supported staff's recommendation and pointed out that over the course of a 20-year, multi-million dollar contract, the \$20,000 expense works out to be only \$1,000 a year and is money well spent. He agreed that in-house expertise is not available and the long-term impact of a consultant's services to negotiate the renewal of the franchise service agreement is warranted.

Council Member Hitchcock expressed concern about the frequent use of consultants and resulting cost to the City. She would prefer that staff understand the intricacies of these issues, be able to field questions, and deal with problems when they arise.

Ms. Keeter reported that the staff person most knowledgeable about the franchise agreement is Public Works Management Analyst II Sharon Blaufus who is retiring in July. It is unlikely that another staff person could get well enough acquainted with this process by the December deadline. One of the reasons for bringing in a consultant is to get public input about what they feel should be incorporated into the next franchise agreement. Public Works had hoped to have the first public workshop in July.

Mr. Flynn interjected that he would not be opposed to bringing this matter back to Council in July and making a recommendation to extend the franchise agreement.

Tom Sanchez, Manager of Governmental Affairs with CVWS, explained that the original agreement was for 21 years. The first seven-year phase was implementation, after which time CVWS had the option to renew the contract for seven-years. The agreement will soon be in the third phase, in which the City has the option to renew for a seven-year period.

In reply to Council Member Land, City Attorney Hays did not believe there was a legal requirement obligating the City to seek Request for Proposals (RFP) on this agreement. However, he pointed out that the process would: 1) provide a benchmark to work from, 2) determine whether or not the services the City has been receiving are up to the current standards in the industry, 3) determine whether there are other services the City ought to be getting, and 4) identify other factors related to how the rate structure is designed. Without that knowledge it would be difficult to determine whether to renew with the current provider or proceed with the RFP process.

Mayor Nakanishi noted that he is the chairman of the Waste Management Task Force of San Joaquin County. Lodi and Manteca are considered to have the best waste management programs in the county. Lodi fell short only in the area of hazardous waste management. Mayor Nakanishi indicated that he would like the implementation of a hazardous waste program considered for Lodi.

Mayor Pro Tempore Pennino recalled that he was on the Council during 1993-94 when the three-cart system was being considered. At that time, the Council expressed its desire to have public participation in the next franchise renewal process.

Mr. Sanchez reported that customer rates for a three-cart service is \$18.56 a month. The rate has not increased in two-years and is at the bottom of the scale in the county. The method of establishing a rate was implemented in 1992 when the three-cart system was instituted. From 1998 to present, CVWS's average increase was 1.45%.

Alex Oseguera, District Manager of CVWS, stated that the company is looking at ways to stabilize rates and make sure there are no large increases. He gave the following examples as to what actions the company is taking:

- Upgrading the existing material recovery facility to increase its recycling capabilities;
- Creating a processing tracking commodity group, which would produce commodity prices and reduce exposure to volatile markets when they occur;
- Maximize purchasing power through economies of scale;
- Upgrading computer and phone system for quicker response and improved attention to customers; and
- Considering alternative fuel vehicles.

Mr. Sanchez announced that the AB939 Plus (recycling) Program results would be available at the end of July. CVWS diverts 51.46% of the waste that it controls. He gave the following survey results:

- "Recycling is important to me regardless of any personal inconvenience my family or I may experience" – 54% responded favorably.
- "I'm willing to recycle as long as it does not inconvenience me or my family" – 34% responded favorably.
- "Does CVWS perform its tasks in a timely and dependable manner?" – 92% responded favorably.
- Customer service satisfaction – 95% responded favorably.

City Manager Flynn stated that next month he will recommend to Council the extension of the franchise agreement for an additional seven years.

MOTION / VOTE:

The City Council took no action on this matter.

- I-4 "Adopt resolution authorizing the City Manager to execute a consulting services agreement with the architectural planning firm of Fletcher Farr Ayotte PC to develop a Library Facilities Master Plan as recommended by the Lodi Public Library Board of Trustees (\$60,000)"

Library Services Director Martinez explained that the goal of the Library Facilities Master Plan is to create a working document that would guide current and future Library administrations in planning for Library service over the next 10 to 20 years. It would also be used as the basis for identification of Library capital projects over that period of time. In Spring of 1999 the Library Board created an Ad Hoc Long Range Planning Committee. Its findings indicated that there was a need for the Library to assume two roles within the community: 1) a formal learning support center, and 2) a meeting place for the community. In March 2000 voters passed Proposition 14, the Library Construction and Renovation Bond Act. This bill earmarked \$350 million for library construction. Funding is available on a 65% state and 35% local match basis. In late 1999 the Board hired a consultant to do a preliminary space needs assessment. The consultant found that the facility was too small to accomplish the directives of the Long Range Planning Committee and was inadequate for the existing size of the City. The Board then directed Library Administration to create a Request for Qualifications to develop a library facilities master plan. This process would also include a community needs assessment. On May 21, the Board approved the expenditure of \$50,000 from the private sector trust fund, and is now asking that the remaining \$60,000 be paid from City Impact Fees.

Council Member Land asked Ms. Martinez for statistics on how many patrons from areas outside the City limits are using the Lodi Public Library.

MOTION / VOTE:

The City Council, on motion of Council Member Land, Pennino second, unanimously adopted Resolution No. 2001-159 authorizing the City Manager to execute a consulting services agreement with the architectural planning firm of Fletcher Farr Ayotte PC in the amount of \$60,000 to develop a Library Facilities Master Plan for the City of Lodi as recommended by the Lodi Public Library Board of Trustees.

ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- E-9 "Adopt resolution authorizing the City Manager to execute a professional services agreement with Watry Design Group, of Redwood City, for Concept Design Services for the Civic Center Parking Structure (\$75,000) and execute Contract Change Orders as needed; and appropriate funds for the Conceptual Design Services"

Council Member Hitchcock stated that she is not in support of moving forward on the parking structure until there is a definite need for it.

Council Member Land emphasized the need for the City to plan for the future.

MOTION:

Council Member Land made a motion, Pennino second, to adopt Resolution No. 2001-160 authorizing the City Manager to execute a professional services agreement with Watry Design Group, of Redwood City, for the Concept Design of the new Civic Center Parking Structure, corner of Church and Elm Street, and execute Contract Change Orders, as needed, for this project; and appropriate funds for the conceptual design services.

DISCUSSION:

Council Member Howard thanked the Community Development and Public Works Departments for the public workshop they hosted last week. She asked for further explanation of the \$75,000 cost.

Community Development Director Bartlam explained that \$75,000 is an estimate on time and materials. The entire project may cost \$5 million to build.

Mayor Nakanishi noted that he also attended the public workshop on this subject. He asked that an adequate amount of space be maintained adjacent to City Hall.

VOTE:

The above motion carried by the following vote:

Ayes: Council Members – Howard, Land, Pennino and Mayor Nakanishi

Noes: Council Members – Hitchcock

Absent: Council Members – None

- E-10 “Adopt resolution authorizing the City Manager to enter into an agreement with the City of Stockton Regional Fire and Emergency Medical Dispatch Center for emergency dispatching services (\$60,000 estimated annual cost)”

In response to questions by Council Member Hitchcock, Fire Chief Pretz explained that the delay in instituting this agreement was due in part to installing the T-1 line for communications and amending the contract related to insurance. If approved tonight, he believed the dispatching changeover would take place soon after July 4. Lodi is the last fire agency in the county to join the Stockton Dispatch Center.

Council Member Land commented that he visited the Stockton Regional Fire and Emergency Medical Dispatch Center and found the system, and training they provide to their staff, to be excellent.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Pennino, Hitchcock second, unanimously adopted Resolution No. 2001-161 authorizing the City Manager to enter into an agreement with the City of Stockton Regional Fire and Emergency Medical Dispatch Center for emergency dispatching services at an estimated annual cost of \$60,000.

- E-13 “Adopt resolution approving the agreement with GFLIP III, L.P., a California Limited Partnership, for the purchase of City-owned property west of and adjacent to 1255 S. Beckman Road, and direct the City Manager and City Clerk to execute the agreement on behalf of the City; and appropriate funds for reimbursement to be credited against the purchase price of the property”

At the request of Council Member Hitchcock, Community Development Director Bartlam explained that Beckman Road was redirected as part of the Highway 99 interchange project. The right-of-way was dedicated to the City by the owner of the larger parcel. In May the right-of-way was vacated/abandoned because it was no longer needed, although the City retained easements for underground and overhead utilities. Tonight's recommended action is to complete the transaction. The property that was appraised includes all of the 4+ acres that Geweke Property owns. Geweke is in the process of developing plans for a new car dealership. The appraised value was based on the entire site. The deduction (of 95% of value) is the value placed on the old right-of-way. This property cannot be built on. It has value for Geweke because they can park cars on it. The value that has been arrived at is based on the appraisal for 2.3 acres. Approximately \$27,000 that Geweke would pay the City is for the privilege of using the old right-of-way. The City owes Geweke \$25,000 for six feet of the right-of-way. The end result is that Geweke Property will buy the City property for \$24,990.

Upon request for further clarification, Mr. Bartlam reported that the 4+ plus acre site was appraised by Duncan and Duncan Associates at \$239,580 per acre. Five percent of value (\$11,980) multiplied by 2.298 acres equals \$27,530, which is the base amount. In addition, there is a six-foot strip in the new right-of-way, which is calculated at a value of \$2,540. That amount is deducted from what Geweke owes the City, and the net amount is \$24,990.

MOTION / VOTE:

The City Council, on motion of Council Member Land, Pennino second, unanimously adopted Resolution No. 2001-162 approving an agreement with GFLIP III, L.P., a California Limited Partnership, for the purchase of City-owned property west of and adjacent to 1255 S. Beckman Road, directed the City Manager and City Clerk to execute the agreement on behalf of the City, and appropriate funds for the reimbursement to be credited against the purchase price of the property.

E-15 "Adopt resolution approving the Public Benefits Program – Rebate Guidelines"

Council Member Hitchcock noted that this item includes a policy change of decreasing the rebate amount from 25% to 20%. She asked what impact this would have on potential large projects in the future.

Electric Utility Director Vallow stated that the recent market cost adjustment impacted residential and small commercial customers. In reaction to that, the Department recommends de-emphasizing rebates to larger customers.

Rob Lechner, Manager of Customer Programs, explained that the maximum grant would be \$50,000. Staff recommends that any grant over \$10,000 be paid in two equal payments over one year.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Pennino, Land second, unanimously adopted Resolution No. 2001-163 approving the following changes in rebates as provided through the City of Lodi Public Benefits Program:

- 20 percent rebate on all commercial/industrial demand-side management projects (currently the rebate amount is 25 percent);
- cap all rebates at \$50,000 (not to exceed figure), regardless of the total amount of the project to the commercial/industrial customer;
- any demand-side management project in excess of \$10,000 shall be paid in two equal installments (one payment every six months).

E-16 "Adopt resolution approving the Electric Utility Pilot Project – 2001 Small Business Load Curtailment"

Electric Utility Director Vallow stated that this item has come forward as a result of state funding.

Rob Lechner, Manager of Customer Programs, reported that yesterday the California Energy Commission approved load curtailment grant dollars, and Lodi has become the largest recipient of funds for any city in the state – at \$681,000. Electric Utility plans to target up to 1,600 of its 2,000 small businesses.

In reply to Council Member Hitchcock, Mr. Vallow explained that Silicon Energy is a software company that has partnered with other companies, such as Carrier, to create the capability of automated adjustments in thermostats.

MOTION / VOTE:

The City Council, on motion of Council Member Land, Pennino second, unanimously adopted Resolution No. 2001-164 approving the Lodi Small Business 2001 Load Curtailment Pilot Project, and authorized the City Manager to sign a contract allowing Silicon Energy to manage the project on behalf of the City of Lodi.

- E-21 "Adopt resolution supporting amendment to the League of California Cities Bylaws and to increase dues to implement the League Grassroots Network"

City Manager Flynn reported that 112 cities have adopted resolutions supporting the amendment to the League of California Cities Bylaws to implement the League Grassroots Network. Only the cities of Arcata, Barstow, Lincoln, and Hesperia have rejected the proposal. He commented that former City Manager Tom Peterson has strongly recommended that Lodi support the amendment.

At the request of Council Member Hitchcock, Management Analyst II Janet Hamilton reported that the proposal must pass by a 2/3 vote to go forward. If successful, the League would then process Request for Proposals and cities will apply to have a field officer in their city. Since 1978 there has been a reduction in property tax revenues to cities from 15% to 7%, federal aid has been cut from 21% to 13%, library funding has decreased 12%, and parks and recreation funds have been reduced by 22%. Funding of the League Grassroots Network will provide 10 field offices, with 14 existing, and three new staff members. If approved, the increase in dues for Lodi will be \$4,643.

Mayor Nakanishi did not believe the influence of a lobbyist would justify the additional expense in dues.

MOTION:

Mayor Pro Tempore Pennino made a motion, Land second, to adopt Resolution No. 2001-165 supporting an amendment to the Bylaws of the League of California Cities to implement a statewide program entitled, "Grassroots Network" (the City of Lodi's share for this effort will mean an increase in League dues paid by the City of \$4,643).

DISCUSSION:

Council Member Howard asked what assurance the City would have that the League lobbyist would represent Lodi's interests, and would do so more effectively than a staff or Council Member.

Mayor Pro Tempore Pennino supported the League Grassroots Network concept, noting that with a coordinated effort, cities' interests would be more clearly heard in the Senate and Assembly.

Council Member Hitchcock also voiced support for the Network.

Mr. Flynn stated that the City needs strong advocacy to protect its revenues.

Council Member Howard felt that City staff and Council Members could be equally effective by continuing to develop their relationships with Senate and Assembly representatives.

VOTE:

The above motion carried by the following vote:

Ayes: Council Members – Hitchcock, Land and Pennino

Noes: Council Members – Howard and Mayor Nakanishi

Absent: Council Members – None

J. ORDINANCES

- J-1 Ordinance No. 1704 entitled, "An Ordinance Of The Lodi City Council Amending The Official District Map Of The City Of Lodi And Thereby Rezoning Century Meadows 4 Subdivision (Parkland Portion), 2360 West Century Boulevard (APN 058-230-18), From PUB, Public To R-2, Single Family" having been introduced at a regular meeting of the Lodi City Council held June 6, 2001 was brought up for passage on motion of Council Member Land, Pennino second. Second reading of the ordinance was omitted after reading by title, and the ordinance was then adopted and ordered to print by the following vote:

Ayes: Council Members – Hitchcock, Howard, Land, Pennino and Mayor Nakanishi

Noes: Council Members – None

Absent: Council Members – None

Abstain: Council Members – None

- J-2 Ordinance No. 1705 entitled, "An Ordinance Of The Lodi City Council Amending The Official District Map Of The City Of Lodi And Thereby Rezoning Bridgetown Subdivision (Parkland Portion), 2735 West Turner Road (APN 015-530-01), From R-1, Single Family To PUB, Public" having been introduced at a regular meeting of the Lodi City Council held June 6, 2001 was brought up for passage on motion of Council Member Land, Howard second. Second reading of the ordinance was omitted after reading by title, and the ordinance was then adopted and ordered to print by the following vote:

Ayes: Council Members – Hitchcock, Howard, Land, Pennino and Mayor Nakanishi

Noes: Council Members – None

Absent: Council Members – None

Abstain: Council Members – None

K. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Council Member Howard announced that Lodi Safe Kids Day will be held on June 23, from 9:00 a.m. to 12:00 p.m. at Blakely Park. It is targeted for youth ages 12 and under and is free of charge. Representatives from Animal Friends Connection, Lodi Memorial Hospital, the Fire Department, Hutchins Street Square, and Electric Utility, among others, will be present to provide safety information.
- Council Member Land made the following announcements:
 1. There was good attendance by the public at the unveiling of the refurbished Lodi Arch bear last Thursday.
 2. The Kiwanis Club will be having a pancake breakfast from 7:00 a.m. to 11:00 a.m. at Lodi Lake on the 4th of July.
 3. He announced the birth of his fifth grandchild, Kristen Shull, 8 lbs., 20.5 inches.
- Council Member Hitchcock commented on the recent Unity Day celebration at Hale Park. It brought together many people from the community and included entertainment from various multi-cultural groups. Mayor Nakanishi gave an excellent presentation at the event.
- Mayor Pro Tempore Pennino announced that his son graduated from California Polytechnic State University last Saturday with a Mechanical Engineering Degree. After interviewing with firms in Sacramento, San Francisco, and southern California – he accepted a position in Lodi, his hometown.
- Mayor Nakanishi commended Council Member Howard for her hard work in organizing the Safe Kids Day event.

L. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- City Manager Flynn made the following announcements:
 1. A special City Council meeting has been scheduled for next Wednesday at 7:00 p.m. to consider the 2001-03 budget.
 2. Staff is coordinating a trip to Japan in late October for interested Council Members, and are working with the Winegrape Commission, and individuals in the cherry industry. Funding will be through donations.
 3. Electric Utility Director Vallow's birthday is July 2.
 4. Rob Lechner was recently featured in a Lodi News-Sentinel article related to Father's Day.

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 10:40 p.m.

ATTEST:

Susan J. Blackston
City Clerk